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10/079,395	02/19/2002	Catherine Lin-Hendel	LH 008	6724
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ANATOLY S. WEISER 12526 HIGH BLUFF DRIVE SUITE 300 SAN DIEGO, CA 92130			JOHNSON, ALAN M	
		ART UNIT	PAPER NUMBER	
			2623	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/079,395	LIN-HENDEL, CATHERINE	
	Examiner	Art Unit	
	Alan M. Johnson	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-38 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 9, 10, 16, 17, 19, 24, 25 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US2002/0019981A1) in view of Wugofski (6,704,028).

As for claims 1 and 16, Schein discloses an interactive broadcast system, comprising:

an interactive electronic program guide (EPG) (Fig. 4A) having a grid-guide menu identifying programs and at least one multiple-level nested menu (114 Fig. 6B) adapted to be overlaid upon a current page of the grid-guide menu (paragraph 42 and the system allows the viewer to pull down a mode menu and the mode menu is overlaid on the EPG's grid guide, paragraph 44);

a control device (2 Fig. 1) for navigating within the grid-guide menu and the at least one multiple-level nested menu (paragraph 24).

Schein fails to specifically teach a cascading menu.

In an analogous art, Wugofski discloses a cascading menu (69c, 69e Fig. 5 and sub-items, column 6 lines 24-42).

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include a cascading menu, as taught by Wugofski, for the benefit of allowing the user to more easily navigate through a plurality of selections offered by a menu.

Dealing with claims 2 and 17, Schein and Wugofski disclose a system wherein during navigation, within the at least one multiple-level nested (Schein, 114 Fig. 6B) cascading (Wugofski, 69c, 69e Fig. 5) menu, a nested, cascading category-tree of submenus (Wugofski, 69e Fig. 5) appear and are overlaid (Schein, 114 Fig. 6B) upon the current page (Schein 106 Fig. 6B) of the grid-guide menu until the nested, cascading category-tree is exhausted (Wugofski, sub-items column 6 lines 24-42 and Schein, pull down a mode menu and submode menu will display options for displaying list that are appropriately related to the submode, paragraph 44).

In regards to claims 4 and 19, Schein and Wugofski disclose a system wherein the EPG further comprises:

a pull-down menu (Schein, 118 Fig. 7B) for selecting one of a plurality of time windows, each time window having a different time duration (Schein, different dates are equivalent to different durations, paragraph 51);

means for controlling (Schein, 2 Fig. 1) the grid-guide menu to list a program schedule of the channels for the selected time window (Schein, paragraph 51).

Dealing with claims 9 and 24, Schein and Wugofski disclose a system, comprising:

means for storing a user profile in a file for later access (Schein, the system customizes the EPG to an individual or group of individuals meaning a profile is stored for each viewer to designate the setup of the EPG for specific viewers everything they return to the system to view programs paragraph 53);

means for intercepting broadcast content related to the user profile (Schein, the viewer selects a program as a favorite and designates criteria of why he/she has selected that particular program, the system will then intercept other broadcast content that matches the same criteria and then display the programs in a selection window for the user to access paragraph 54).

means for listing or presenting the intercepted broadcast content (Schein, selection window paragraph 54 lines 17-20).

As for claims 10 and 25, Schein and Wugofski disclose a pointing cursor to navigate through the EPG (Schein, pointing device, cursor controller, paragraph 24, and indicate the viewer's location paragraph 43 lines 10-12).

In regard to claim 32, Schein and Wugofski disclose a system wherein:

the display is a TV screen (Schein, 80 Fig. 3 and paragraph 23);

the system is integrated into or interfaced with a TV (Schein, Fig. 3 and paragraph 23);

and the broadcast content is wired via Internet (Schein, paragraph 40).

With respect to claim 33, Schein and Wugofski disclose a system wherein:

the display is an electronic display terminal (Schein, 80 Fig. 3 and paragraph 23);

the system is integrated into or interfaced with a computer (Schein, Fig. 3 and paragraph 23);

and the broadcast content is wired via the Internet (Schein, paragraph 40).

3. Claims 3, 11, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein and Wugofski as applied to claims 1 and 16 above, and in further view of Robarts (US2005/0278741A1).

With respect to claims 3 and 18, Schein and Wugofski disclose all the claim limitations of claims 1 and 16 but fail to specially teach a system comprising:

means for entering a program name;

means for searching and identifying programs that closely match the entered program name, and listing a channel station name and show time for each of these programs found via the grid-guide menu.

However, in an analogous art, Robarts discloses a system comprising:

means for entering a program name (the remote control has alphanumeric keys, paragraph 104);

means for searching and identifying programs that closely match the entered program name (paragraph 106),

and listing a channel station name and show time for each of these programs found via the grid-guide menu (Fig. 6 and once the user selects the program in the quick find results menu, a subsequent EPG menu activation displays the channel, station name and show time for the present, newly found program, paragraph 68).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Wugofski to include means for entering a program name, means for searching and identifying programs that closely match the entered program name, and listing a channel station name and show time for each of these programs found via the grid-guide menu, as taught by Robarts, for the benefit of allowing the user to easily and quickly search for a program by entering the program name instead of flipping though hundreds of channels.

With respect to claims 11 and 26, Schein and Wugofski disclose all the claim limitations of claims 1 and 16 but fail to specially teach alphanumeric keys for alphanumeric data and request entry.

However, in an analogous art, Robarts discloses alphanumeric keys for alphanumeric data and request entry (paragraph 104).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Wugofski to include alphanumeric keys for alphanumeric data and request entry, as taught by Robarts, for the benefit of allowing the user to enter in a program name instead of trying to remember the exact channel number of the program.

4. Claims 5, 6, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein and Wugofski as applied to claims 1 and 16 above, and in view of Knudson (2005/0204388A1).

As for claims 5 and 20, Schein and Wugofski disclose all the claim limitations of claims 1 and 16 but fail to specially teach means for intercepting multiple programs selected from a single grid-guide menu display for recording, later viewing on demand or later review of selections.

However, in an analogous art, Knudson discloses means for intercepting multiple programs selected from a single grid-guide menu display for recording (paragraph 84).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Schein and Wugofski to include means for intercepting multiple programs selected from a single grid-guide menu display for recording,

as taught by Knudson, for the benefit of allowing users to record an entire series with out having the schedule the recordings of each individual program.

With regard to claims 6 and 21, Knudson discloses a system wherein the control device includes:

means for selecting the multiple programs during a single selection sequence (paragraph 84);

means for fetching the selected multiple programs selected during the single selection sequence for recording (the user can select view current recording 88 Fig. 6 to display all the programs that have been recorded paragraph 96).

5. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein and Wugofski as applied to claims 1 and 16 above, and in view of Burnhouse (US2002/056104A1).

With respect to claims 7 and 22, Schein and Wugofski disclose all the claim limitations of claims 1 and 16 but fail to specially teach a system comprising:

means for creating folders via the at least one multiple-level nested cascading menu, each folder having at least one file wherein each file has a programmable program profile;

means for acquiring and identifying via the EPG those programs related to the programmable program profile.

However, in an analogous art, Burnhouse discloses a system comprising:

means for creating folders via the at least one multiple-level nested cascading menu, each folder having at least one file wherein each file has a (program data) programmable program profile (create folders, paragraph 53 lines 1-5, each file (program) is place in a folder based on the files program data, paragraph 41, which is received via a digital stream with header information, paragraph 26, also, since each folder is created based on the files made program files made available to the system, each folder must contain at least one file otherwise the folder would have not been created);

means for acquiring and identifying via the EPG those programs related to the programmable program profile (paragraph 26).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Wugofski to include means for creating folders via the at least one multiple-level nested cascading menu, each folder having at least one file wherein each file has a programmable program profile; and means for acquiring and identifying via the EPG those programs related to the programmable program profile, as taught by Burnhouse, for the benefit of sorting EPG files in a manner that allows the user to more quickly and efficiently navigate and find a desired program.

6. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein and Wugofski as applied to claims 1 and 16 above, and in view of Ellis (US2002/0194600A1).

With respect to claims 8 and 23, Schein and Wugofski disclose all the claim limitations of claims 1 and 16 but fail to specially teach means for listing the programs under a selected category sequentially for a specified time period.

However in an analogous art, Ellis discloses means for listing the programs under a selected category sequentially for a specified time period (paragraph 95).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Wugofski to include means for listing the

programs under a selected category sequentially for a specified time period, as taught by Ellis, for the benefit of allowing the user to be able to quickly recognize which program in the desired category will be broadcasted first.

7. Claims 12, 13, 15, 27 and 28, 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, Wugofski, and Robarts as applied to claim 11 and 26 above, and further in view of Schneidewend (6,182,287).

As for claims 12 and 27, Schein, Wugofski, and Robarts disclose all the claim limitations of claims 11 and 26 but fail to specially teach the control device further comprising a MENU/SELECT button to effectuate a selection command, and a GO button to effectuate a fetch command of the selection command.

However, in an analogous art, Schneidewend discloses the control device further comprising a MENU/SELECT button (Fig. 6) to effectuate a selection command, and a GO button (893 Fig. 6) to effectuate a fetch command of the selection command (the OK button is equivalent to the GO button since it fetches the program or menu item that is selected, column 6 lines 47-51).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein, Wugofski, and Robarts to include the control device further comprising a MENU/SELECT button to effectuate a selection command, and a GO button to effectuate a fetch command of the selection

command, as taught by Schneidewend, for the benefit of allowing the user to use the remote device to make quick selections.

With regard to claims 13 and 28, Schein, Wugofski, Robarts and Schneidewend discloses the fetch (Schneidewend, GO 893, Fig. 6) command that activates fetching of multiple selection commands from a current grid-guide menu (Schneidewend, since the remote selects a service out of multiple services, the GO button can select more than one [multiple] selection commands column 6 lines 47-50).

As for claim 15, Schein, Wugofski, and Robarts disclose all the claim limitations of claim 11, but fail to specially teach a system comprising: means for selecting multiple sets of selected programs under separate files for accessing.

However in an analogous art, Schneidewend discloses a system comprising means for selecting (325 Fig. 3) multiple sets of selected programs under separate files for accessing (the favorites list selects multiple programs from a list, this list being a part of a computer based system meaning each item on the list is inherently associated with a different file, and once a selection of an item on the list is made, the program is accessed and displayed to the user, column 5 lines 2-7).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein, Wugofski, and Robarts to include means for selecting multiple sets of selected programs under separate files for accessing, as taught by Schneidewend, for the benefit of allowing the user to select a desired file which contains a desired program out of a group of different files consisting of many different programs.

Dealing with claim 31, Schein, Wugofski, Robarts and Schneidewend disclose a system comprising means for selecting (Schneidewend, 325 Fig. 3) multiple sets of selected programs under separate files for accessing (Schneidewend, the favorites list selects multiple programs from a list, this list being a part of a computer based system meaning each item on the list is inherently associated with a different file, and once a selection of an item on the list is made, the program is accessed and displayed to the user, column 5 lines 2-7).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, Wugofski and Robarts as applied to claim 11 above, and further in view of Cameron (US2005/0028206A1).

As for claim Schein, Wugofski and 14 Robarts disclose all the claim limitations of claim 11 but fail to specially teach the control device being virtual and displayed in combination with the EPG.

However, in an analogous art, Cameron discloses the control device being virtual and displayed in combination with the EPG (paragraphs 68 and 69).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein, Wugofski and Robarts to include the control device being virtual and displayed in combination with the EPG, as taught by Cameron, for the benefit of allowing the user to use an on screen remote offers more features and has the potential to be upgraded by software updates.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, Wugofski, and Schneidewend as applied to claim 27 above, and further in view of Cameron (US2005/0028206A1).

As for claim 29 Schein, Wugofski and Schneidewend disclose all the claim limitations of claim 27 but fail to specially teach the control device being virtual and displayed in combination with the EPG.

However, in an analogous art, Cameron discloses the control device being virtual and displayed in combination with the EPG (paragraph 69).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein, Wugofski and Schneidewend to include the control

device being virtual and displayed in combination with the EPG, as taught by Cameron, for the benefit of allowing the user to use an on screen remote offers more features and has the potential to be upgraded by software updates.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, Wugofski and Schneidewend as applied to claim 27 above, and further in view of Schein (US2002/0019981A1).

As for claim 30 Schein, Wugofski and Schneidewend discloses all the claim limitations of claim 27 and Schein in particular discloses a system wherein the navigating means includes a rollball (trackball) to move a cursor on the display to a desired cell of the grid-guide menu in a direct shortest-path motion (trackball moves freely, paragraph 24).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein, Wugofski and Schneidewend to include a rollball to move a cursor on the display to a desired cell of the grid-guide menu in a direct shortest-path motion, as taught by Schein, for the benefit of giving the user freedom to move the cursor anywhere throughout the display screen.

11. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Robarts.

Dealing with claim 34 Schein discloses a control device for interfacing with a display, comprising:

a rollball (trackball) to move a cursor on the display to a desired cell in a direct shortest-path motion (trackball moves freely, paragraph 24);

However, Schein fails to specifically teach alphanumeric buttons for entering alphabetic and numeric entries on the display.

In an analogous art, Robarts discloses a system comprising:

alphanumeric buttons for entering alphabetic and numeric entries on the display (the remote control has an alphanumeric keypad paragraph 104).

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include a control device for interfacing with a display, comprising a rollball to move a cursor on the display to a desired cell in a direct shortest-path motion and alphanumeric buttons for entering alphabetic and numeric entries on the display, as taught by Robarts, for the benefit of allowing the user to easily and quickly search for a program by entering the program name instead of flipping though hundreds of channels as well as freely move the cursor around the display.

12. Claims 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein and Robarts as applied to claim 34 above, and further in view of Schneidewend.

With respect to claim 35, Schein and Robarts disclose all the claim limitations of claims 34 but fail to specially teach a MENU/SELECT button to effectuate a selection command; and a GO button to effectuate a fetch command of the selection command.

However, in an analogous art, Schneidewend discloses the control device further comprising a MENU/SELECT button (Fig. 6) to effectuate a selection command, and a GO button (893 Fig. 6) to effectuate a fetch command of the selection command (the OK button is equivalent to the GO button since it fetches the program or menu item that is selected, column 6 lines 47-51).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Robarts to include the control device further comprising a MENU/SELECT button to effectuate a selection command, and a GO button to effectuate a fetch command of the selection command, as taught by Schneidewend, for the benefit of allowing the user to use the remote device to make quick selections.

As for claim 36, Schein, Robarts and Schneidewend disclose the control device as being a hand-held remote control device (Schneidewend, 70 Fig. 2, 70 Fig. 6, and user operates the remote control unit, column 3 lines 61-64).

Dealing with claim 38, Schein, Robarts and Schneidewend disclose a device comprising: channel up and down keys for selecting a program channel; a GUIDE button for displaying a electronic programming guide menu; and VCR control buttons including a record button (Schneidewend 70 Fig. 6).

13. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, Robarts and Schneidewend as applied to claim 35 above, and further in view of Cameron.

With respect to claim 37, Schein, Robarts and Schneidewend disclose all the claim limitations of claims 35 but fail to specially teach the control device as a virtual control device displayed on the display

However, in an analogous art, Cameron discloses the control device as a virtual control device displayed on the display (paragraph 69).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein, Robarts, and Schneidewend to include the control device as a virtual control device displayed on the display, as taught by

Cameron, for the benefit of allowing the user to use an on screen remote offers more features and has the potential to be upgraded by software updates.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan M. Johnson whose telephone number is (571)272-7916. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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